

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Angel Riddle	Team: Squad #5	CCRB Case #: 202100199	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/05/2021 4:00 PM	Location of Incident: In front of § 87(2)(b)	Precinct: 67	18 Mo. SOL 7/5/2022	EO SOL 7/5/2022	
Date/Time CV Reported Fri, 01/08/2021 3:50 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 01/08/2021 3:50 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Frank Aliberti	30222	956377	GVSD Z1
2. SGT Thomas Redmond	00000	948411	083 DET
3. DTS Alvaro Contreras	06960	941586	PBBS SU
4. PO Michael Sidorskiy	14429	931988	PBBS SU

Officer(s)	Allegation	Investigator Recommendation
A.DTS Alvaro Contreras	Abuse: Detective Alvaro Contreras frisked § 87(2)(b)	§ 87(2)(b)
B.DTS Alvaro Contreras	Abuse: Detective Alvaro Contreras searched § 87(2)(b)	§ 87(2)(b)
C.SGT Thomas Redmond	Abuse: Lieutenant Thomas Redmond searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
D.PO Frank Aliberti	Abuse: Police Officer Frank Aliberti searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
E.DTS Alvaro Contreras	Abuse: Detective Alvaro Contreras searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
F.PO Michael Sidorskiy	Abuse: Police Officer Michael Sidorskiy refused to provide his name to § 87(2)(b)	§ 87(2)(b)
G.PO Michael Sidorskiy	Abuse: Police Officer Michael Sidorskiy failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

## Case Summary

On January 8, 2021, § 87(2)(b) filed this complaint via the CCRB's call processing system.

On January 5, 2021, at approximately 4 p.m., § 87(2)(b) was inside of his vehicle, which was idling and double-parked in front of his residence at § 87(2)(b) in Brooklyn. Det. Alvaro Contreras, PO Michael Sidorskiy, PO Frank Aliberti, and Sergeant Thomas Redmond, all then assigned to the Brooklyn South Auto Larceny Unit, stopped § 87(2)(b) vehicle. Det. Contreras frisked and searched § 87(2)(b) (**Allegations A-B: Abuse of Authority,** § 87(2)(g) Det. Contreras, PO Aliberti, and Sgt. Redmond searched § 87(2)(b) vehicle (**Allegations C-E: Abuse of Authority,** § 87(2)(g) PO Sidorskiy allegedly refused to provide his name to § 87(2)(b) (**Allegation F: Abuse of Authority,** § 87(2)(g) PO Sidorskiy failed to give § 87(2)(b) a RTKA business card (**Allegation G: Abuse of Authority,** § 87(2)(g) PO Sidorskiy issued § 87(2)(b) a summons for his vehicle's excessively tinted windows (BR14).

The investigation obtained BWC footage from Det. Contreras, PO Sidorskiy, and Lt. Redmond (BR01-03, summarized at BR19-21). § 87(2)(b) also provided CCTV footage (BR04-06).

Sgt. Redmond has since been promoted to the rank of lieutenant and reassigned to the 83<sup>rd</sup> Precinct Detective Squad. PO Aliberti has since been reassigned to the Gun Violence Suppression Division Zone 1. PO Sidorskiy and Det. Contreras have since been reassigned to the Brooklyn South Public Safety Team.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Detective Alvaro Contreras frisked § 87(2)(b)**  
**Allegation (B) Abuse of Authority: Detective Alvaro Contreras searched § 87(2)(b)**  
**Allegation (C) Abuse of Authority: Lieutenant Thomas Redmond searched the vehicle in which § 87(2)(b) was an occupant.**  
**Allegation (D) Abuse of Authority: Police Officer Frank Aliberti searched the vehicle in which § 87(2)(b) was an occupant.**  
**Allegation (E) Abuse of Authority: Detective Alvaro Contreras searched the vehicle in which § 87(2)(b) was an occupant.**

It is undisputed that Det. Contreras frisked and searched § 87(2)(b) and that he searched the vehicle.

§ 87(2)(b) provided statements to the CCRB when he filed the complaint (BR07), in an initial phone statement (BR08), and in a formal interview (BR09). § 87(2)(b) recounted that Det. Contreras said that he smelled and observed marijuana inside of the vehicle and ordered him to step out. In his CCRB testimony, § 87(2)(b) repeatedly denied that the vehicle smelled like marijuana at the time of this incident. § 87(2)(b) further testified that the car had recently been cleaned and vacuumed and that there were no crumbs anywhere inside of the vehicle.

Det. Contreras' BWC footage (BR01, beginning at 04:25) captures Det. Contreras ordering § 87(2)(b) to step out of the vehicle "because of the marijuana in the back." § 87(2)(b) responds to this by denying that there is any marijuana in the vehicle and Det. Contreras answers, "I smell marijuana coming from here. I can see marijuana right there. So I need you to step out of the vehicle." At the 07:42, Det. Contreras removes his BWC from his body and angles it into § 87(2)(b) vehicle to capture what appear to be crumbs on the floor of the vehicle behind the driver's seat. It cannot be determined from the video footage whether those crumbs were bits of

marijuana.

Det. Contreras (BR10) testified that he first smelled a faint odor of marijuana when he initially came within ten feet of § 87(2)(b) vehicle, though he could not say with certainty from where the odor was coming. Several minutes into their interaction, § 87(2)(b) rolled down at least one of his windows, creating a cross-breeze that intensified the odor of marijuana. It was an odor of burned, vegetative marijuana. In addition to the odor of marijuana, Det. Contreras observed crumbs of what appeared to be green and white-grey powder on the floor of the vehicle, leading him to conclude that the odor of marijuana was emanating from § 87(2)(b) vehicle. Other than the odor, and seeing what appeared to be crumbs of marijuana, Det. Contreras did not observe any other drugs, alcohol, or drug-related paraphernalia inside of the vehicle at this time. Though he could not recall who made the decision to remove § 87(2)(b) from the vehicle, Det. Contreras testified that he informed § 87(2)(b) that he was going to have to step out of the vehicle because of the odor of marijuana and the marijuana he observed.

PO Sidorskiy (BR11) had no independent recollection of this incident and was unable to recall if he personally observed or smelled any odor of marijuana during his interactions with § 87(2)(b)

§ 87(2)(g)

During a lawful vehicle stop, the odor of marijuana emanating from a vehicle gives officers sufficient justification to search the vehicle and its occupants. *People v. Chestnut*, 43 A.D.2d 260 (1974) (BR12).

§ 87(2)(g)

**Allegation (F) Abuse of Authority: Police Officer Michael Sidorskiy refused to provide his name to § 87(2)(b)**

**Allegation (G) Abuse of Authority: Police Officer Michael Sidorskiy failed to provide § 87(2)(b) with a business card.**

§ 87(2)(b) recounted that, during the vehicle search, he stated broadly that the officers were violating his rights and he would need their names. PO Sidorskiy told him that he would get the information he sought. When § 87(2)(b) moved to reenter his vehicle, he looked at the officers' uniforms and wrote down Sgt. Redmond, Det. Contreras, and PO Aliberti's names. He did not write down PO Sidorskiy's name because PO Sidorskiy had told him he would give him a business card containing his information. PO Sidorskiy did ultimately give § 87(2)(b) a business card along with the summons, but the card was blank as PO Sidorskiy had not filled in any of his identifying information (BR13-14). PO Sidorskiy's name also was not legible on the summons § 87(2)(b) received (BR13-14).

Det. Contreras' BWC footage (BR01, beginning at 06:47) shows that § 87(2)(b) initially said aloud that he wanted business cards, and PO Sidorskiy specifically told him that he would give him a business card. § 87(2)(b) then changed his request to saying that he wanted every officer's name. Beginning at 08:02, the footage shows that Det. Contreras, Sgt. Redmond, and PO Aliberti

all stated their names to § 87(2)(b) during the incident.

PO Sidorskiy's BWC footage (BR02, beginning at 13:15) shows him writing the summons inside his vehicle. At 13:24, PO Sidorskiy holds § 87(2)(b) ID, the summons, and a business card in his hand. In that moment, the business card is visibly identical to the back side of the card photographed by § 87(2)(b) (BR13). PO Sidorskiy hands all three to § 87(2)(b) and states his name aloud to § 87(2)(b).

PO Sidorskiy was not interviewed until approximately 16 months after the incident. He testified that he had no independent recollection of the incident, and that all further testimony he provided was based solely on his reviewing BWC footage prior to the interview. He confirmed that § 87(2)(b) requested all the officers' names, and that he responded by mentioning his business card. PO Sidorskiy testified that § 87(2)(b) did not actually request his business card, but he gave one to § 87(2)(b) along with the summons because he was required to do so at the conclusion of a vehicle stop. PO Sidorskiy testified that the card had his name and shield number pre-printed on it, and he denied generally that he ever gave business cards to civilians which did not already have his name printed on them. PO Sidorskiy viewed the photographs of the blank card § 87(2)(b) provided, and he testified that he had seen that type of card before, but he maintained that he generally does not carry that type of card and would not give it out to civilians.

In § 87(2)(b) account, he asked for all the officers' names, was told he would get them eventually, and then only wrote down three of their names because PO Sidorskiy told him he would give him a business card. As § 87(2)(b) received a blank card, could not read PO Sidorskiy's name on the summons, and indicated that none of the officers said their names aloud to him, he effectively alleged that PO Sidorskiy refused to provide his name. The video footage, however, makes clear that all four officers ultimately did state their names aloud to § 87(2)(b). The footage also shows that PO Sidorskiy responded to § 87(2)(b) initial request for business cards by explicitly telling § 87(2)(b) that he would give him his business card. PO Sidorskiy's testimony notwithstanding, it appears clear that he did provide the blank card seen in § 87(2)(b) photographs.

Officers must offer a business card at the conclusion of certain law enforcement activities to the subject of that law enforcement activity, when such activity does not result in an arrest or summons. Frisks, searches of persons, and vehicle searches are among the particular law enforcement actions which trigger the requirement to offer a card regardless of whether the subject requests one. Officers must also provide business cards to any civilian who requests one, regardless of whether that civilian was the subject of a law enforcement activity which did result in an arrest or summons. If an officer runs out of pre-printed cards, he must offer to provide the information on a hand-written card, or to offer to provide the information verbally if no blank cards are available. NYC Administrative Code § 14-174 (BR15).

PO Sidorskiy did state his name aloud to § 87(2)(b) § 87(2)(g)

§ 87(2)(b) received a summons, so none of the officers was required to proactively provide a business card to him. However, it is clear that he did make a request for business cards, and that PO Sidorskiy assured him he would get his business card. § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- Det. Contreras has been a member of the NYPD for 15 years and has been a subject in nine prior CCRB complaints and 34 allegations, five of which were substantiated.:
  - § 87(2)(g) [REDACTED]  
[REDACTED]
  - Det. Contreras is also a subject in one case and two allegations filed after this present case. That investigation remains ongoing.
- PO Sidorskiy has been a member of the NYPD for 19 years and has been a subject in 28 prior CCRB complaints and 85 allegations, 14 of which were substantiated.:
  - 201807856 involved a substantiated allegation of a vehicle search. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
  - 201901096 involved substantiated allegations of a failure to provide a RTKA card and a vehicle search. The Board recommended Command Discipline B and the NYPD imposed Command Discipline B.
  - 201910803 involved a substantiated allegation of refusal to provide a shield number. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
  - 202005863 involved substantiated allegations of two threats of force, two discourtesies, and an untruthful statement. The Board recommended Charges. The NYPD has not yet imposed discipline.
  - § 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]
- Lt. Redmond has been a member of the NYPD for 12 years and has been a subject in seven prior CCRB complaints and 12 allegations, four of which were substantiated.
  - 202006201 involved a substantiated allegation of failure to supervise against Lt. Redmon. The Board recommended Command Discipline B and the NYPD imposed Command Discipline B.
  - § 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]
  - Lt. Redmond is also a subject in two cases and seven allegations filed after this present case. Those investigations remain ongoing.
- PO Aliberti has been a member of the NYPD for seven years and has been a subject in six CCRB complaints and seven allegations, one of which was substantiated.
  - 202006201 involved a substantiated allegation of a failure to provide a RTKA card. The Board recommended Command Discipline A. The NYPD has not yet imposed discipline.

### **Mediation, Civil, and Criminal Histories**

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of March 15, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (BR17).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]  
[REDACTED]

Squad: 5

Investigator:	<u>Angel Riddle</u>	<u>Inv. Angel Riddle</u>	<u>May 25, 2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Daniel Giansante</u>	<u>IM Daniel Giansante</u>	<u>May 25, 2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date